

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SALVADOR HERRERA,

Petitioner,

v.

ALEJANDRO N. MAYORKAS, *et al.*,

Respondents.

Case No. C24-1933-JNW-MLP

ORDER FOR SERVICE AND  
RETURN, § 2241 PETITION

Petitioner, proceeding *pro se*, has filed a 28 U.S.C. § 2241 immigration habeas petition, challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”). Having reviewed the petition, the Court ORDERS:

(1) The Clerk shall arrange for service upon Respondent Bruce Scott, Warden of the Northwest ICE Detention Center,<sup>1</sup> upon the United States Attorney General in Washington, D.C., and upon the civil process clerk at the Office of the United States Attorney for the Western

<sup>1</sup> Petitioner also identifies Alejandro N. Mayorkas, Merrick Garland, and Nathalie Asher as Respondents in his petition. However, the proper respondent to a habeas petition is “the person who has custody over [the petitioner].” 28 U.S.C. § 2242; *see also* 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”). As the Warden of the Northwest ICE Detention Center is the person who has immediate custody over Petitioner, the Warden is the only proper Respondent in this action.

1 District of Washington, of copies of the petition and of this Order, by registered or certified mail,  
2 return receipt requested.

3 (2) **Within 30 days of the date this Order is posted**, Respondent shall show cause  
4 why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C.  
5 § 2243. As a part of such return, Respondent shall address and submit evidence relevant to  
6 Petitioner's allegation that his detention is unlawful because ICE is unable to effectuate his  
7 removal in the reasonably foreseeable future. Respondent shall file the return with the Clerk of  
8 the Court and shall serve a copy upon Petitioner.

9 (3) The return will be treated in accordance with LCR 7(d)(4). Accordingly, on the  
10 face of the return, Respondent shall note it for consideration no earlier than 28 days after it is  
11 filed, and the Clerk shall note the return accordingly. Petitioner may file and serve a response no  
12 later than 21 days after the return is filed, and Respondent may file and serve a reply no later  
13 than 28 days after the return is filed.

14 (4) If Petitioner's custody status changes at any point during this litigation,  
15 **Respondents shall file a status update with the Court as soon as possible and no later than**  
16 **14 days after the change.**

17 The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondents,  
18 and the Honorable Jamal N. Whitehead.

19 Dated this 23th day of December, 2024.

20 

21 MICHELLE L. PETERSON  
22 United States Magistrate Judge  
23